

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY**

May 30, 2000

CASE NO: TO-2000-740

Office of the Public Counsel
P.O. Box 7800
Jefferson City, MO 65102

Roz Beule
Nextel Communications, Inc.
2003 Edmund Halley Drive
Reston, VA 20191

General Counsel
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102

Bryan T. McCartney
Brydon, Swearingen & England
312 E. Capitol Avenue, PO Box 456
Jefferson City, MO 65102

Enclosed find certified copy of an ORDER in the above-numbered case(s).

Sincerely,



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

Uncertified copy:

To all interexchange and local exchange telecommunications companies.

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of)	
TDS Telecommunications Corporation)	<u>Case No. TO-2000-740</u>
for Approval of an Interconnection)	
Agreement under the Telecommunications)	
Act of 1996)	

ORDER DIRECTING NOTICE AND MAKING
NEXTEL COMMUNICATIONS, INC. A PARTY

On May 4, 2000, TDS Telecommunications Corporation (TDS) filed an application with the Commission for approval of a Commercial Mobile Radio Services (CMRS) interconnection agreement (the Agreement) with Nextel Communications, Inc. (Nextel) under the provisions of the federal Telecommunications Act of 1996 (the Act). The applicants state that there are no unresolved issues and that the Agreement complies with Section 252(e) of the Act in that it is not discriminatory to nonparty carriers and is consistent with the public interest. The applicants request expeditious approval of the Agreement.

Although Nextel is a party to the Agreement, it did not join in the application. Because Nextel is a necessary party to a full and fair adjudication of this matter, the Commission will add Nextel as a party to this case.

The Act provides that an interconnection agreement must be approved unless the state commission finds that the agreement

discriminates against a telecommunications carrier not a party to the agreement, or that implementation of the agreement is not consistent with the public interest, convenience, and necessity. 47 U.S.C. § 252(e).

The Commission finds that proper persons should be allowed 20 days from the issuance of this order to file a motion for hearing or an application to participate without intervention. Participation may be permitted for the limited purpose of filing comments addressing whether this Agreement meets the federal standards for approval of interconnection agreements. The requirement of a hearing is met when an opportunity to be heard has been provided and no proper party has requested the opportunity to present evidence. State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission, 776 S.W.2d 494, 496 (Mo. App. 1989).

Section 252(e)(4) of the Act provides that if the Commission has not approved an agreement within 90 days after submission, the agreement shall be deemed approved. Therefore, the Commission will proceed with this case expeditiously and, if there are no requests for a hearing, relief may be granted based on the verified petition. The Commission finds that notice of this application should be sent to all interexchange and local exchange telecommunications companies.

IT IS THEREFORE ORDERED:

1. That the Records Department of the Commission shall send notice to all interexchange and local exchange telecommunications companies.

2. That Nextel Communications, Inc. is made a party to this case.

3. That any entity wishing to request a hearing or to participate without intervention in this matter shall file an application no later than June 21, 2000 with:

Dale Hardy Roberts, Secretary
Missouri Public Service Commission
Post Office Box 360
Jefferson City, Missouri 65102

and send copies to:

Bryan T. McCartney
Brydon, Swearengen & England, P.C.
310 East Capitol Avenue
Post Office Box 456
Jefferson City, Missouri 65102-0456

Roz Beule
Nextel Communications, Inc.
2003 Edmund Halley Drive
Reston, Virginia 20191

and:

Office of the Public Counsel
Post Office Box 7800
Jefferson City, Missouri 65102

4. That the Staff of the Commission shall file a memorandum advising either approval or rejection of this agreement and giving the reasons therefor no later than 3:00 p.m. on July 13, 2000.

5. That this order shall become effective on June 9, 2000.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Shelly A. Register, Regulatory Law Judge,
by delegation of authority pursuant
to 4 CSR 240-2.120(1) (November 30,
1995) and Section 386.240, RSMo 1994.

Dated at Jefferson City, Missouri,
on this 30th day of May, 2000.

**STATE OF MISSOURI
OFFICE OF THE PUBLIC SERVICE COMMISSION**

I have compared the preceding copy with the original on file in this office and
I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City,
Missouri, this 30th day of May 2000.

Dale Hardy Roberts

**Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge**

